

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DONTE PATTERSON,)
)
Petitioner,)
)
v.) Civil Action No. 3:12CV749-HEH
)
DIRECTOR OF THE DEPARTMENT)
OF CORRECTIONS, *et al.*,)
)
Respondents.)

MEMORANDUM OPINION
(Denying 28 U.S.C § 2254 Petition Without Prejudice)

Petitioner, proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order entered on January 7, 2013, the Court directed Petitioner to complete and return, within fifteen days of the date of entry thereof, an affidavit in support of his request to proceed *in forma pauperis* or pay the \$5.00 filing fee. More than fifteen (15) days have passed and Petitioner has not returned the required *in forma pauperis* affidavit.

Petitioner has failed to pay the assessed fee or adequately explain any special circumstances warranting excuse from payment. Accordingly, the petition will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: May 14 2013
Richmond, Virginia

HENRY E. HUDSON /s/
UNITED STATES DISTRICT JUDGE